

Appl. No. 10/523,879
Amdt. dated Feb. 13, 2008
Reply to final Office action of Oct. 12, 2007

Amendments to the Drawings:

The attached sheet of drawing includes changes to Fig. 1. This sheet, which includes Figs. 1-2, replaces the original sheet including Figs. 1-2. In Figure 2, to conform this figure to the specification, reference numeral "8" for the link should be numeral "6" as indicated on, e.g., page 7, line 1 of the present specification. Furthermore, appropriate legends need to be inserted for blocks 2, 3 and 4 in the same figure.

Attachment: Annotated Sheet Showing Changes
Replacement Sheet

REMARKS

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application is either anticipated under the provisions of 35 USC § 102 or obvious under the provisions of 35 USC § 103. Furthermore, the Applicants also submit that all of these claims now satisfy the requirements of 35 USC § 112. Thus, the Applicants believe that all of these claims are now in allowable form.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, the Examiner should telephone Mr. Peter L. Michaelson, Esq. at (732) 542-7800 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Specification and abstract amendments

Various amendments have been made to the specification to correct minor inadvertent grammatical, spelling and formal errors; and to insert inadvertently omitted section headings.

The abstract has also been revised to correct various formal errors and to eliminate reference numerals.

Drawings

The Applicants have noticed minor errors in FIG. 1 of their drawings, as filed.

Specifically, to conform this figure to the specification, reference numeral "8" for the link should be numeral "6" as indicated on, e.g., page 7, line 1 of the present specification. Furthermore, appropriate legends need to be inserted for blocks 2, 3 and 4 in the same figure.

Accordingly, the Applicants have enclosed a red-lined drawing sheet which shows their proposed corrections in red. To expedite prosecution, the Applicants have also enclosed a substitute formal drawing sheet that incorporates all these corrections. The Applicants now respectfully solicit the Examiner's approval of these minor corrections.

Status of claims

To simplify amending the claims and hence expedite their examination, the Applicants, rather than re-writing the claims with, in some cases, extensive amendments, have simply canceled all their prior pending claims 14-26 and substituted new claims 27-37 there for.

The new claims have been drafted to provide enhanced clarity over the prior claims including defining the invention with increased precision, and to conform the claims to the dictates of proper US claim practice while remedying the various deficiencies noted by the Examiner.

The following table shows the correspondence between the prior claims and those now pending.

Present Claim	Prior Claim(s)	Present Claim	Prior Claim(s)
27	14+16	33	21
28	15	34	22+24
--	16	35	23
29	17	--	24
30	18	36	25
31	19	37	26
32	20		

New claims 27 and 34 include limitations highly similar to those in claims 14 and 16, and 22 and 24, respectively. Consequently, claims 16 and 24 have been canceled with no new claims corresponding solely thereto.

Rejections

A. Rejection under 35 USC § 112

The Examiner has rejected prior claims 14-16 and 22-25 under the provisions of the second paragraph of 35 USC § 112 as being indefinite. Inasmuch as all these claims are now canceled, this rejection is moot. Nevertheless, since these claims have been replaced by new claims 27 and 28, and 34-36, respectively, the Applicants will discuss this rejection in the context of these new claims.

First, claims 14 and 16 recited the phrase "and/or" which the Examiner views as unclear. New corresponding claim 27 does not include this phrase but rather recites the conjunctive "OR".

Further, the Examiner noted that claim 14 recited "a flag" while dependent claim 15 recited "a first flag indicative of any remaining characters and a second flag indicative of any attachments", hence causing confusion. While new claim 28, corresponding to claim 15, still recites a "first flag ... and a second flag", claim 27, from which claim 28 depends, recites "at least one flag".

The Examiner also noted that claim 16 recited "a further P characters" but apparently did not recite an explanation of those characters. New independent claim 27, formed of similar limitations to those in prior claims 14 and 16, also recites P characters but explains those particular characters as P characters which follow the first N characters in a message body. Specifically, claim 27 recites: "P characters of the message body, P being an integer number and said P characters occurring in the body subsequent to said N characters" with the N characters having also been defined previously in the same claim as the first N characters in the message body with N being a predetermined integer.

Lastly, the Examiner rejected claims 22-25, each of which referenced a corresponding one of claims 14, 15 or 16, for the same reasons he rejected that one of the latter claims. New independent system claim 34, which corresponds to prior claims 22 and 24, contains similar limitations to

those in new independent method claim 27. Each of claims 35-37, which correspond to prior claims 23, 25 and 26, respectively, either directly or indirectly references and incorporates the limitations of new claim 34. New claim 34 contains highly similar, though parallel, limitations to those in method claim 27. Inasmuch as claim 27 does not contain any of the deficiencies existing in its prior corresponding claims 14 or 16, then neither do any of new claims 27 and 34-37.

Hence, this rejection should now be withdrawn.

B. Rejection under 35 USC § 102

The Examiner has rejected prior claims 14-17 and 21-26 under the provisions of 35 USC § 102(b) as being anticipated by the teachings of the '630 Adler et al patent (United States patent 6,157,630 issued to A. Adler et al on December 5, 2000). Inasmuch as all these claims have now been canceled, this rejection too is moot. Nevertheless, since these claims have been replaced by new claims 27-29 and 33-37, this rejection will be discussed in the context of the new claims, and principally with respect to new independent method claim 27. In that context, this rejection is respectfully traversed.

Specifically, the Examiner takes the position that all the limitations set forth in prior claim 14 are identically disclosed in the '630 Adler et al patent. As the Examiner will soon appreciate, this view is incorrect with respect to new independent claim 27.

As the Examiner correctly recognizes, the '630 Adler et al patent is directed to a system, including a mobile radio device and a server, through which the device can access e-mail messages from the server. The patentee realizes that typically a textual body of an e-mail message can be rather long which, particularly if a recipient is not interested in the message, would waste channel capacity if the entire message were to be sent to the recipient.

Consequently, the patentee teaches an approach, as discussed in col. 4, line 48 et seq and shown in FIG. 4 of that patent, where, for each in a series of messages, a header and a few lines of message body text are sent, through a virtual client session, from server 205 (specifically e-mail database 430), via network 202, to mobile radio device 200 for review by its user. Specifically, message portion handling routine 460 first sends a list of headers for messages in the user's inbox to the mobile device. Each header is short and provides: the sender of the message, the date or time, and the subject or a portion of the subject field for that message (fields 310, 311 and 312 shown in FIG. 3). The user can establish a rule defining how many such headers (s)he wants to see, i.e., how many corresponding messages are to be listed at one time, and what specific header information is to be displayed. Thereafter, the user can select one of the headers and then depress a "view" button. In response, the server will send the first few lines of the associated textual portion of the message body which, in turn, will be displayed on the mobile device. If the user decides, after reviewing the displayed text for the message, that (s)he wants to see more of that message, then that person simply depresses a "more" button

on the device. This, in turn, causes server 205 to send a certain number of additional lines of the message body text to mobile device 200 for display thereat. The user can continue this process, by successive depressions of the "more" button until either all portions of the message body have been successively displayed or the user has seen a sufficient portion(s) of the body to adequately understand the message and conclude that (s)he does not need to see any more of it.

This process is depicted in flowchart form in FIG. 6 and discussed in col. 7, line 55 et seq. As can be seen, once a virtual session (steps 550 and 681) has been established between the mobile device and the server, the device issues a "feed" command to the server. Once received, this command causes the server, via step 656, to download header information to the mobile device. Through step 557, the device receives and then displays all the header information for the messages then being listed. The user, can then select, via step 558, a header of a message of interest by depressing the "view" button which, in turn, causes the device to retrieve the first few lines of that message body from the server and thereafter display those lines. Should the user desire more lines of that message body, the user, via step 675, depresses the "more" button. In response to the "more" command, the server, through blocks 682, 684 686 and 660, sends the next successive group of lines, and so forth with each successive user depression of the "more" button retrieving and ultimately displaying a next successive group of lines until all such lines have been sent and displayed, or the user desires not to see any further groups of additional lines.

Thus, the '630 Adler et al patent, as the Examiner correctly concludes, teaches the broad concept of phased e-mail delivery, i.e., a user repeatedly requesting download of successive portions of a body of an e-mail message from a server to his(her) mobile device for display there at.

What is quite clear from these teachings is that the methodology taught by this patent provides no advance indication, through the mobile device to the user, that more lines of text can be retrieved and are available for download. Rather, under the approach taught by the '630 Adler et al patent, the user must depress the "more" button each time to instruct the server to determine whether a next successive group of lines exists to be transmitted and, if such a group exists, to then transmit that group to the device for display thereat. Thus, the user can not tell, from simply glancing at the device, whether, after display of one group of lines, a next successive group exists for retrieval and display or not. Now, even if the user reads a group of lines and, through their context, readily expects that a next successive group exists, that person will still not know, for certain, in advance, i.e., without depressing the "more" button and seeing an ensuing display, whether that next successive group actually exists. In that regard, while the user, from the context of the displayed lines, may expect a next successive group of lines in a given message, the message, for various reasons, may simply not contain it. Thus, the user is constrained to go through the effort of depressing the "more" button and then waiting for the result to be transmitted from the server and displayed on the mobile device -- all of which consumes

time. Oftentimes, depending on the user's current understanding of just a portion of a particular message, that person may only need an indication that more text is available or not, without, even if such additional text can be retrieved and displayed, having any further need to actually access and then read that text. In those circumstances, simply knowing that more text exists or not may well suffice. Yet, the methodology taught by the '630 Adler et al patent simply stops well short of recognizing, let alone, accommodating this need.

Advantageously, the Applicants and only the Applicants have not only recognized this need but also satisfied it.

Broadly speaking, the Applicants teach the concept of phased retrieval by a mobile terminal device of data, particularly e-mail messages, from a network server. Apart from transmitting a header and the first N characters of a message body, the present invention also, for each e-mail message, transmits at least one flag. This flag, specifically flag 30, as shown in FIG. 4 and as described in page 9, line 20 et seq of the present specification, is illustratively formed of two separate individual flags, flags 31 and 32. Flag 31 is set by the server to indicate whether any remaining characters then remain in the message body for retrieval. Flag 32, also set by the server, indicates whether any remaining attachments to that message then exist for retrieval, and can include a separate sub-flag to identify each individual attachment. Upon receipt of flags 31 and 32, mobile terminal 1 (see FIG. 1) displays appropriate corresponding indications. Thus, the

user can determine at an instant by simply looking at these indications for any given message whether more textual characters in the body can be retrieved from the server and hence displayed and similarly whether any more attachments to that message can also be retrieved from the server and displayed. The user no longer needs to initiate access of any such message part in order to determine whether that part exists for retrieval. The user will know in advance -- thus saving the user valuable time.

A simple flowchart of the Applicants' inventive methodology is shown in FIG. 3 and discussed on page 8, line 26 et seq of the present specification. As specifically shown and discussed, once a link is established, via step 101, between the server and the mobile device, the server, acting via step 102, transmits, for each one of a group of messages to be displayed at the device, the header, the first N characters in the message body and any flags. These flags then indicate whether at that particular time further message body characters and/or attachments can be retrieved from the server. Via step 103, the device then displays a message ID for each such message with the ID being, e.g., a subject line or the first N characters of the body. Then, through steps 104 and 105, the device determines whether any such flags have been transmitted for each such message, and, if so, displays corresponding indications to the user. The user, through step 106, can select, based on the current indications for the flags, further message body characters (e.g., the next successive P characters in the body, where P and N are both integers) or an attachment. In response, the server, through step 107, retrieves the requested message part (more

characters or an attachment) to the mobile device, and updates the flags to then reflect what further parts of that message, i.e., further textual characters or attachments, can then be retrieved and finally transmits the requested message part along with the updated status of the flags to the device. This process then continues until the end of the message, is reached, i.e. all retrievable message parts have been transmitted to the mobile device, or the user decides not to retrieve any further message parts.

Once a message has been completely accessed from the server or has been incompletely accessed but a sufficient period of time has elapsed since it was last accessed, the server, to save storage space, can simply delete that message from its database. Similarly, if the server finds that insufficient space exists in a user's mailbox to retain an incompletely accessed message, the server can delete that message.

There are simply no teachings whatsoever, whether explicit or implicit, in the '630 Adler et al patent as to the use of providing advance indications, by way of using flags, as the Applicants now teach to signify on a mobile device that, for parts of any message then being displayed, additional message body characters and/or attachments (i.e., message parts) are then retrievable for that message from a network server.

Independent claim 27 contains suitable recitations directed to this distinguishing aspect of the present invention. In particular, this claim recites as follows,

with the distinguishing recitation, pertinent to the above discussion, shown in a bolded typeface:

"A method of retrieving, through a terminal device, an electronic message from a server, the message having a header and a body containing characters, the method comprising the steps of:
establishing a communications link between the server and the terminal device;
transmitting, by the server to the terminal device, the header and first N characters of the body, where N is a predetermined integer, while holding back any attachments, and **at least one flag, the flag indicating whether, as a remaining message part, any remaining characters of the body subsequent to said N characters or any attachments are then retrievable from the server;**
presenting, by the terminal device, the header, the first N characters and **an indication, responsive to the flag and indicating that the remaining message part is then retrievable, to a user of the terminal device;**
sending, upon request of the user and in response to the indication, a request to the server to retrieve the remaining message part identified by the flag; and
transmitting, in response to the user request and from the server to the terminal device, P characters of the message body or a selected one of the attachments, P being an integer number and said P characters occurring in the body subsequent to said N characters."
[emphasis added]

Independent system claim 34 contains highly similar limitations to those in claim 27, but recited in parallel structural form.

Hence, the Applicants submit that, in the absence of their claimed invention being identically disclosed in the '630 Adler et al patent, neither claim 27 nor claim 34 is anticipated by the teachings of that reference.

Consequently, both of these claims are patentable under the provisions of 35 USC § 102.

Each of claims 28-29 and 33, and 35 directly depends from claims 27 and 34, respectively, and recites a further distinguishing aspect of the present invention from that recited in its corresponding independent claim. Furthermore, device claim 36 references and incorporates the limitations recited in claim 34. Claim 37 directly depends from claim 36. As such, the Applicants submit that each of claims 28-29 and 33-37 is also not anticipated by the teachings of the '630 Adler et al patent for the same reason set forth above with respect to independent claim 27. Consequently, each of claims 28-29 and 33-37 is also patentable under the provisions of 35 USC § 102.

Hence, this rejection should also now be withdrawn.

C. Rejection under 35 USC § 103

The Examiner has rejected prior dependent claims 18-20 under the provisions of 35 USC § 103 as being obvious over the teachings of the '630 Adler et al patent taken in view of those in the Nakaoka application (United States patent application 2001/0007992 published on July 12, 2001). Inasmuch as all these claims have also now been canceled, this rejection too is moot. Nevertheless, since these claims have been replaced by new dependent claims 30-32, this rejection will be discussed in the context of those new claims, and principally with respect to new independent method claim 27 from which each of those

dependent claims directly depends. In that context, this rejection is also respectfully traversed.

In particular, the Examiner concedes that the '630 Adler et al patent fails to teach the concepts, in the context of transferring e-mail messages from a mail server to a mobile device, of:

(a) with respect to claim 18, instructing the server, via the mobile device, to delete a given attachment to a message and having the server confirm the deletion back to the mobile device;

(b) with respect to claim 19, the server retaining the message if any remaining text or attachments have not yet been transmitted to the mobile device; and

(c) with respect to claim 20, the server deleting a partially transmitted message (for which only various but not all message parts have been transmitted) if additional mailbox capacity, beyond a current limit, is required to store the message.

The Examiner correctly perceives that the Nakaoka application provides these missing teachings. Yet, even if any or all of these teachings were combined with the teachings of the '630 Adler et al patent, the teachings resulting from such a hypothetical combination would be just as deficient as those in the latter reference taken alone. Why? The simple reason is that the Nakaoka application is absolutely devoid -- just like the '630 Adler et al patent is -- of the Applicants' inventive contribution, namely providing advance indications, by way of using flags, to signify on a mobile device that, for parts of any message then being displayed, additional message body characters

and/or attachments (i.e., message parts) are then retrievable for that message from a network server. The Nakaoka application does not even mention the word "flag" or even any need to provide an advance indication -- as the Applicants now teach, even apart from how to do so. Thus, for purposes of assessing the non-obviousness of the present invention, as recited in independent claim 27, over the applied references, the Nakaoka application simply adds nothing of relevance beyond that taught by the '630 Adler et al patent itself. Thus, any combination of the teachings in these two applied references would still stop well short of suggesting, let alone disclosing, the present invention to one of skill in the art and certainly not lead such a person to that invention.

Thus, the Applicants submit that their present invention, as recited in independent claim 27, is not rendered obvious by the teachings in the applied references, regardless of whether those teachings are taken singly or in any combination including that now posed by the Examiner. Consequently, claim 27 is patentable under the provisions of 35 USC § 103.

Each of new claims 30-32 directly depends on claim 27 and recites further distinguishing aspects of the present invention. As such, the Applicants submit that each of these dependent claims is not rendered obvious by the teachings in the applied references for the same reasons set forth above with respect to claim 27. Thus, each of claims 30-32 is patentable under the provisions of 35 USC § 103.

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Hence, this last rejection should now be withdrawn
as well.


Conclusion

Thus, the Applicants submit that none of their
claims, presently in the application, is either anticipated
under the provisions of 35 USC § 102 or obvious under the
provisions of 35 USC § 103. Furthermore, the Applicants
also submit that all of these claims now fully satisfy the
requirements of 35 USC § 112.

Consequently, the Applicants believe that all
these claims are presently in condition for allowance.
Accordingly, both reconsideration of this application and
its swift passage to issue are earnestly solicited.

Respectfully submitted,

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